



City of Alexandria, Virginia
Department of Planning & Zoning

SPECIAL USE PERMIT CERTIFICATE

Article XI, Division A, Section 11-510 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia requires that you display this Special Use Permit in a conspicuous and publicly accessible place. A copy of the list of conditions associated with the special use permit shall be kept on the premises and made available for examination by the public upon request.

Special Use Permit	SUP #2018-0084
Approved by Planning and Zoning:	October 24, 2018
Permission is hereby granted to:	My Kieu Huynh
to use the premises located at:	682 N. Saint Asaph Street
for the following purpose:	see attached report

It is the responsibility of the Special Use Permit holder to adhere to the conditions approved by City Council. The Department of Planning and Zoning will periodically inspect the property to identify compliance with the approved conditions. If any condition is in violation, the permit holder will be cited and issued a ticket. The first violation carries a monetary fine. Continued violations will cause staff to docket the special use permit for review by City Council for possible revocation.

October 24, 2018
Date

K. Moritz
Karl Moritz, Director
Department of Planning and Zoning

DATE: October 24, 2018

TO: Tony LaColla, Division Chief
Department of Planning and Zoning

FROM: Ann Horowitz, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2018-00084
Administrative Review for a Minor Amendment
Site Use: Restaurant
Applicant: My Kieu Huynh
Location: 682 N. Saint Asaph Street (Parcel Address: 615 North
Washington Street)
Zone: CRMU/X: Commercial Residential Mixed Use (Old Town
North) Zone

Request

Special Use Permit #2018-0084 is a minor amendment request to add indoor limited live entertainment for occasional events at an existing restaurant. The applicant states that she would like to accommodate customers who schedule one-time events, such as weddings or birthday parties, and ask for live entertainment. No other changes to the operation are proposed and the applicant would continue operate the 197 seat (157 indoors and 40 outdoors) restaurant with delivery service and on-premises alcohol sales. The indoor hours of operation would remain as 7:30 a.m. – 11 p.m., Sunday – Thursday and 7:30 a.m. – 12 a.m., midnight, Friday – Saturday. The outdoor hours of operation would continue as 7:30 a.m. – 10 p.m., daily.

Community Outreach

Public notice was provided through eNews, via the City's website, and by posting a placard on the site. In addition, the Old Town Civic Association and North Old Town Independent Citizens Civic Association were sent an e-mail with information about the current application. Staff has not received any comments from residents or adjacent businesses that would require the case to be heard through a full-hearing SUP.

Staff Action

Staff supports the minor amendment request to add limited live entertainment as it provides the applicant with an opportunity to expand her business with an additional amenity. Condition #7 has been amended to permit indoor limited live entertainment that is associated with occasional special events. Although the restaurant is across the street from residential townhomes, staff does not anticipate noise impacts given that the restaurant entrance is at the side of the building and does not face residents. In addition, the restaurant space extends to the back of the commercial building and away from

residential properties. Nonetheless, Condition #20 states that the applicant must comply with the noise ordinance and amplified sounds may not be audible at the property line after 11 p.m. to mitigate potential noise impacts.

Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION - DEPARTMENT OF PLANNING AND ZONING:

Date: October 24, 2018

Action: Approved


Tony LaColla, Division Chief

Attachments: 1) Special Use Permit Conditions
2) Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2018-0084

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z) (SUP#2011-0043)
2. The maximum number of indoor seats permitted at the restaurant shall be 157. The maximum number of indoor seats at the restaurant shall be 40. (P&Z) (SUP#2011-0043)
3. The applicant shall post the hours of operation at the entrance to the restaurant. (P&Z) (SUP#2011-0043)
4. The hours of operation shall be limited to between 7:30am and 11:00pm Sunday through Thursday and between 7:30am to 12:00 midnight Friday and Saturday. (P&Z) (SUP#2011-0043)
5. Outside dining shall be limited to between 7:30 a.m. and 10:00 p.m. daily. The outdoor dining area shall be closed and cleared of all customers by 10:00pm daily and shall be cleaned and washed at the close of each business day that it is in use. (P&Z) (SUP#2011-0043)
6. Outdoor dining at the restaurant shall be substantially consistent with the plan submitted. The applicant shall submit final design specifications for all chairs, tables, barriers, umbrellas, planters, wait stations, other components to be located within the outdoor dining area, and such additional information as the Director may reasonably require, for the review and approval by the Director of Planning & Zoning. The outdoor seating area shall not include advertising signage, including on umbrellas. (P&Z) (SUP#2011-0043)
7. No Indoor live entertainment, accompanying occasional special events and parties, shall be allowed at the restaurant. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment. ~~either inside or in the outdoor dining area.~~ (P&Z) (SUP#2011-0043)
8. On-premises alcohol service may be offered but no off-premises alcohol sales shall be allowed. (P&Z) (SUP#2011-0043)

9. Not more than one delivery vehicle may be used to deliver food to customers. The delivery vehicle must park in an off-street parking space when at the restaurant. (P&Z) (T&ES) (SUP#2011-0043)
10. The applicant shall provide signage directing patrons to the availability of parking within the on-site retail spaces in the parking garage. (P&Z) (T&ES) (SUP#2011-0043)
11. For indoor dining, meals ordered before the closing hour may be served, but no new patrons may be admitted and no alcoholic beverages may be served after the closing hour, and all patrons must leave by one hour after the closing hour. (P&Z) (SUP#2011-0043)
12. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and on how to prevent underage sales of alcohol. (P&Z) (SUP#2011-0043)
13. No food, beverages, or other material shall be stored outside. (P&Z) (SUP#2011-0043)
14. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on site outside of those containers. (P&Z) (SUP#2011-0043)
15. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open to the public. (T&ES) (SUP#2011-0043)
16. **CONDITION AMENDED BY STAFF:** Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the streets, alleys or storm sewers. (T&ES) (SUP#2011-0043)
17. **CONDITION AMENDED BY STAFF:** All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state and federal ordinances or regulations. ~~and not be discharged onto the ground.~~ (T&ES) (SUP#2011-0043)
18. The applicant shall require its employees who drive to use off-street parking. (P&Z) (T&ES) (SUP#2016-0044)

19. The applicant shall control cooking odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the Department of Transportation and Environmental Services. (T&ES) (SUP#2011-0043)
20. **CONDITION AMENDED BY STAFF:** The use must comply with the city's noise ordinance. ~~All loudspeakers shall be prohibited from the exterior of the building, and.~~ No amplified sounds shall be audible at the property line after 11:00 PM. (T&ES) (SUP#2011-0043)
21. Supply deliveries, loading and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES) (SUP#2011-0043)
22. **CONDITION DELETED BY STAFF:** ~~The applicant shall contact the Community Relations Unit of the Alexandria Police Department at 703-838-4520 for a security survey and a robbery awareness program for employees. (P&Z) (SUP#2011-0043)~~
23. **CONDITION DELETED BY STAFF:** ~~The applicant shall provide a menu or list of foods to be handled at this facility to the Health Department prior to opening. (Health) (SUP#2011-0043)~~
24. **CONDITION AMENDED BY STAFF:** The Director of Planning and Zoning shall review the Special Use Permit after it has been operational for one year and shall docket the matter for consideration by the Planning Commission and City Council if: (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community, (b) the Director has received a request from any person to docket the permit for review as a result of a complaint that rises to the level of a violation of the permit conditions, or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z) (SUP#2016-0044)
25. **CONDITION AMENDED BY STAFF:** The applicant shall encourage its employees to use public transportation to travel to and from work. ~~Within 60 days of approval, T~~he business shall contact Go Alex at goalex@alexandriava.gov ~~the Local Motion at (localmotion@alexandriava.gov)~~ for information on establishing an employee transportation benefits program. (T&ES) ~~(SUP#2016-0044)~~
26. **CONDITION AMENDED BY STAFF:** The applicant shall provide information about alternative forms of transportation to access the site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. Contact Go Alex at goalex@alexandriava.gov. ~~Local Motion at (localmotion@alexandriava.gov) or~~

~~www.alexandriava.gov/LocalMotion~~—for more information about available resources. (T&ES) (SUP#2016-0044)

27. The applicant will encourage patrons to park off-street through the provision of information about nearby garages on advertising and on the restaurant's website. (T&ES)(P&Z) (SUP#2016-0044)

CITY DEPARTMENT COMMENTS

Legend: C - code requirement R - recommendation S - suggestion F – finding

Transportation & Environmental Services

15. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (T&ES) (SUP#2016-00044)
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Code Administration

No comments received

Fire

No comments or concerns

Health

No comments received

Police

No comments received

Recreation, Parks, and Cultural Activities

No comments received

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2018-0084. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the restaurant use at 682 N. Saint Asaph Street.


Applicant - Signature

10-25-18
Date

MY KIEU HUYNH
Applicant - Printed

10-25-18
Date